Mr. Milton Moore, FOIA Officer
ERDA San Francisco Operations Office
1333 Broadway
Oakland, Ca. 94612

Rt. 12, Frederick, Md. 21701
8/9/77

Dear Mr. Moore,

Your undated letter in response to mine of July 18 came today.

I appreciate it that as you saw it you tried to be helpful in response to my FOIA request. I am sorry the enclosure was missing.

You are cor rect in saying that you do not have the obligation to generate records under FOIA. However, there is the Constitution and it does require a public accounting of the expenditure of public funds. My original request did go to this point.

Now that Dr. Alvarez has confirmed ERDA support for his political writings he has, in fact in what he supplied, raised new questions about other ERDA support for other of his related activities. Example: his representations on CBS-TV in their specials. Yet no records were supplied. Even if it was no more than his phone conversations with CBS this is within my request, I believe.

I believe I also asked for records relating to the propriety of the spending of ERDA funds on political writings, if you prefer research too. He himself so described them. And as controversially so.

The Act requires youto specify any claimed exemption for any withholding. Unless you do this you deny me my most basic rights under the Act.I have in mind what I take to be your indication of the existence of other records not sent me,"...material that could be located which are available for release to you under the FOI Act."

In addition Dr. Alvarez indicated a certain informality in his records storage. He uses his home for work that ERDA supports. If he has other records relevant to this operation of his and ERDA's on the JFK assassination they are, I believe, within my request wherever they are stored.

As I believe I have indicated I am trouble at this kind of expenditure of ERDA funds. On such a question I would be troubled whatever federal agency spent money this way. I am sorry you appear not to share my disquiet. I am also sorry about this attitude toward the spending of public moneys in general.

There are many other factors. One is the long delay in the appearance of the article. I know when the melon work was done. It was years ago. Yet the ERDA supported article is delayed until the question is again one of widespread public concern and more, to coincide with my filing suit against ERDA for other records all of which have not yet been provided. Of course coincidence is possible. But I have no reason to believe it was only coincidence. It just looks bad, more so when the content of the article is considered. It is political.

Basic in this is my request for the citation of authority for such spending of ERDA funds. There has to be authority for all spending of all public funds. You have not yet provided any such record.

I believe the existing record indicates the existence of records not yet provided. I hope you will see fit to comply, whatever the source of these records.

Sincerely,

Harold Weisberg